

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK****MINUTE ENTRY FOR A CRIMINAL PROCEEDING
☐ SEALED PROCEEDING**

BEFORE: Judge Joanna Seybert
DATE: 4 / 27 / 2021
TIME: 12:00 PM (Hrs.) 30 (Mins.)
DOCKET: 21 - cr - 0218 (JS)(ARL)
TITLE: USA v. Corwin

APPEARANCES:

DEFENDANT: David Corwin Deft. # 1 **COUNSEL:** Anthony Grandinette
☒ Present ☐ Not Present ☐ In Custody ☒ On Bond ☐ Surrendered ☒ Retained ☐ Federal Defender ☐ CJA ☐

DEFENDANT: Deft. # **COUNSEL:**
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered ☐ Retained ☐ Federal Defender ☐ CJA ☐

DEFENDANT: Deft. # **COUNSEL:**
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered ☐ Retained ☐ Federal Defender ☐ CJA ☐

DEFENDANT: Deft. # **COUNSEL:**
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered ☐ Retained ☐ Federal Defender ☐ CJA ☐

GOVERNMENT: Megan Farrell **COURT REPORTER:** Owen Wicker

PROBATION/PRETRIAL: Mallori Brady **FTR TIME:**

INTERPRETER: **COURTROOM DEPUTY:** Eric Russo
☐ Sworn ☐ Spanish ☐ Other:

☐ SEE ADDITIONAL APPEARANCES PAGE

THE FOLLOWING PROCEEDINGS WERE HELD:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Arraignment | <input type="checkbox"/> Motion Hearing/Oral Argument |
| <input checked="" type="checkbox"/> Bond Application/Modification Hearing | <input type="checkbox"/> Plea Hearing |
| <input type="checkbox"/> Curcio Hearing | <input type="checkbox"/> Preliminary Hearing |
| <input type="checkbox"/> Detention Hearing | <input type="checkbox"/> Sentencing/Re-Sentencing |
| <input type="checkbox"/> Evidentiary Hearing | <input type="checkbox"/> Status/Pre-Trial Conference |
| <input type="checkbox"/> Fatico Hearing | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Initial Appearance | |

☒ The above proceedings were held regarding the charges outlined in the: Indictment filed 4/20/2021.

☒ Arraignment held.

- ☒ Initial appearance of defendant 1 before this Court.
- ☐ A Notice of Appearance was executed by defense counsel as to defendant.
- ☐ Defendant submitted the Financial Affidavit form for the Court's review.
- ☐ The Federal Defenders were appointed as to defendant.
- ☐ An Order Appointing CJA Counsel was executed as to defendant.
- ☐ A Waiver of Indictment was filed as to defendant.
- ☒ Defendant 1 waived the public reading of the above charging instrument.
- ☐ Defendant was read and understood the charges outlined in the charging instrument.
- ☒ Defendant 1 entered a plea of not guilty to all counts of the above charging instrument.
- ☐ Defendant waived the right to a Preliminary Hearing.
- ☐ Defendant did not waive the right to a Preliminary Hearing.

- ☒ Defendant 1 waived Speedy Trial from 4 / 27 / 2021 to 7 / 7 / 2021 for purposes of:
Exchanging of discovery and in the interest of justice. Excludable Code(s): XT.
- ☐ Defendant _____ did not waive Speedy Trial.
- ☒ The Government was advised of, and acknowledged, its obligation under Rule 5(f) of the F.R.Cr.P. and the Due Process Protections Act to disclose all information to the defendant(s) and their counsel. The Court will issue a written order.
- ☒ See below for additional details and/or the scheduling of further proceedings.

☐ Preliminary Hearing held.

- ☐ Witness(es) for the Government called and sworn; testimony given.
- ☐ Witness(es) for the Defense called and sworn; testimony given.
- ☐ Exhibits were entered into evidence.
- ☐ The Court found that there was probable cause to believe that an offense had been committed by the defendant.
- ☐ The Court found that there was no probable cause to believe that an offense had been committed by the defendant and that the charge(s) outlined in the above charging instrument were dismissed, and the defendant was discharged.
- ☐ See below for additional details and/or the scheduling of further proceedings.

☐ Status/Pre-Trial Conference held.

- ☐ The parties advised the Court of the status of the case.
- ☐ Defendant _____ waived Speedy Trial from / / to / / for purposes of:
_____. Excludable Code(s): _____.
- ☐ Defendant _____ did not waive Speedy Trial.
- ☐ The Government was granted leave to file their motion.
- ☐ Defendant _____ were granted leave to file their motion.
- ☐ The parties agreed to the following briefing schedule:
- | | |
|--|---|
| <input type="checkbox"/> Government Motion due by: <u> </u> / <u> </u> / <u> </u> | <input type="checkbox"/> Defendant Motion due by: <u> </u> / <u> </u> / <u> </u> |
| <input type="checkbox"/> Defendant Response due by: <u> </u> / <u> </u> / <u> </u> | <input type="checkbox"/> Government Response due by: <u> </u> / <u> </u> / <u> </u> |
| <input type="checkbox"/> Government Reply due by: <u> </u> / <u> </u> / <u> </u> | <input type="checkbox"/> Defendant Reply due by: <u> </u> / <u> </u> / <u> </u> |
- ☐ The parties were directed to file a proposed briefing schedule for court approval on or before / / .
- ☐ The Court respectively refers the motion(s) to Magistrate Judge _____:
- ☐ for purposes of submitting a Report and Recommendation for this Court's consideration.
- ☐ to rule on the motion(s) in its entirety.
- ☐ The Court deemed this case ready for trial.
- ☐ The parties were directed to file their motion(s) *in limine* in accordance with the following briefing schedule:
- ☐ Motion(s) due by: / /
- ☐ Response(s) due by: / /
- ☐ Reply(ies) due by: / /
- ☐ Fully briefed motion(s) due by: / /
- ☐ The parties were directed to file their proposed *voir dire* by: / / .
- ☐ The parties were directed to file their proposed *request to charge* by: / / .
- ☐ See below for additional details and/or the scheduling of further proceedings.

☐ Motion Hearing/Oral Argument held regarding _____.

- ☐ Parties arguments were heard.
- ☐ Witness(es) for the Government called and sworn; testimony given.
- ☐ Witness(es) for the Defense called and sworn; testimony given.
- ☐ Exhibits were entered into evidence.
- ☐ The motion was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
- ☐ The decision was: ☐ entered on the record; ☐ reserved.
- ☐ The Court will issue a written decision.
- ☐ See below for additional details and/or the scheduling of further proceedings.

- ☐ Plea Hearing held.
- ☐ The defendant was sworn and informed of his/her rights.
 - ☐ The defendant withdrew previously entered not guilty plea and entered a plea of guilty to count(s) _____.
 - ☐ The Court found that the defendant was acting voluntarily, fully understood his/her rights and the consequences of his/her plea, that there was a factual basis for the plea, and accepted the defendant's plea of guilty.
 - ☐ The Conviction Notification Form was executed.
 - ☐ A Preliminary Order of Forfeiture was executed.
 - ☐ See below for additional details and/or the scheduling of further proceedings.
- ☐ Evidentiary Hearing held.
- ☐ Parties arguments were heard.
 - ☐ Witness(es) for the Government called and sworn; testimony given.
 - ☐ Witness(es) for the Defense called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The decision was: ☐ entered on the record; ☐ reserved.
 - ☐ The Court will issue a written decision.
 - ☐ See below for additional details and/or the scheduling of further proceedings.
- ☐ Curcio Hearing held.
- ☐ Parties arguments were heard.
 - ☐ The defendant was informed of the potential danger(s) arising from any conflict(s) of interest.
 - ☐ The defendant understood and waived any potential conflict(s) of interest and wishes to proceed with current counsel.
 - ☐ The defendant wishes to relieve current counsel and retain new counsel or have new counsel appointed by the Court.
 - ☐ See below for additional details and/or the scheduling of further proceedings.
- ☐ Fatico Hearing held.
- ☐ Parties arguments were heard.
 - ☐ Witness(es) for the Government called and sworn; testimony given.
 - ☐ Witness(es) for the Defense called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The decision was: ☐ entered on the record; ☐ reserved.
 - ☐ The Court will issue a written decision.
 - ☐ See below for additional details and/or the scheduling of further proceedings.
- ☐ Sentencing/Re-Sentencing held on count(s) _____ of the above charging instrument.
- ☐ Statements were heard from: ☐ Defense counsel; ☐ Defendant; ☐ Government; ☐ Victim(s).
 - ☐ The defendant was sentenced to be imprisoned for a total term of:
 - ☐ _____ ☐ months; ☐ years.
 - ☐ The Time Served Order was executed, and the defendant is to be released forthwith.
 - ☐ Upon release from imprisonment, the defendant shall be on supervised release for a total term of:
 - ☐ _____ ☐ months; ☐ years.
 - ☐ The defendant shall comply with all standard conditions of supervision.
 - ☐ The defendant shall comply with all special conditions of supervision outlined on the record.
 - ☐ The Court did not impose a term of supervised release.
 - ☐ The defendant was sentenced to probation for a total term of:
 - ☐ _____ ☐ months; ☐ years.
 - ☐ The defendant shall comply with all standard conditions of supervision.
 - ☐ The defendant shall comply with all special conditions of supervision outlined on the record.
 - ☐ The defendant must pay restitution in the total amount of \$ _____.
 - ☐ The defendant must pay interest on restitution of more than \$2,500.00.
 - ☐ The Court determined that the defendant does not have the ability to pay interest and it was ordered that:
 - ☐ the interest requirement is waived.
 - ☐ the interest requirement is modified as stated on the record.

- ☐ Restitution ☐ was not ordered; ☐ was not applicable; ☐ was paid in full.
- ☐ The determination of restitution was deferred until ____/____/____.
- ☐ The defendant must pay a fine in the total amount of \$____.
- ☐ The defendant must pay interest on a fine of more than \$2,500.00.
- ☐ The Court determined that the defendant does not have the ability to pay interest and it was ordered that:
- ☐ the interest requirement is waived.
- ☐ the interest requirement is modified as stated on the record.
- ☐ A fine ☐ was not ordered; ☐ was not applicable; ☐ was paid in full.
- ☐ The determination of a fine was deferred until ____/____/____.
- ☐ The defendant must pay a Special Assessment fine in the total amount of \$____, due immediately.
- ☐ The defendant ☐ was advised of; ☐ has waived his/her right to appeal.
- ☐ The Preliminary Order of Forfeiture dated ____/____/____ was adopted as the Final Order of Forfeiture.
- ☐ A Final Order of Forfeiture was executed.
- ☐ All open counts were dismissed on the motion of the United States.
- ☐ See below for other sentencing conditions ordered.

THE FOLLOWING RULINGS WERE MADE REGARDING DEFENDANT RELEASE STATUS:

- ☒ Bond Application/Bond Modification/Detention Hearing held.
- ☐ Defendant _____ did not present a bond application to the Court.
- ☐ An Order of Detention Pending Trial was executed as to defendant _____.
- ☐ An Order Scheduling a Detention Hearing was executed as to defendant _____.
- ☐ The bond application/modification was granted as to defendant _____.
- ☐ An Order Setting Conditions of Release and Bond was executed as to defendant _____.
- ☐ Defendant _____ condition(s) of release were modified as stated on the record.
- ☐ An amended Order Setting Conditions of Release and Bond was executed as to defendant _____.
- ☐ The bond application/modification was denied as to defendant _____.
- ☐ An Order of Detention Pending Trial was executed as to defendant _____.
- ☐ The Government moved for immediate detention of defendant _____.
- ☐ The motion was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
- ☐ An Arrest Warrant was executed as to defendant _____.
- ☐ An Order of Detention Pending Trial was executed as to defendant _____.
- ☐ An amended Order Setting Conditions of Release and Bond was executed as to defendant _____.
- ☐ The decision was reserved.
- ☐ An Arrest Warrant was executed as to defendant _____.
- ☐ An Order Scheduling a Detention Hearing was executed as to defendant _____.
- ☐ A temporary Order Setting Conditions of Release and Bond was executed as to defendant _____.
- ☐ A Medical Evaluation Order was executed as to defendant _____.
- ☒ See below for additional details and/or the scheduling of further proceedings.
- ☐ The defendant was granted leave to surrender for the service of his/her sentence at the institution designated by the Federal Bureau of Prisons before 2:00 PM on ____/____/____. The defendant will remain on bond, under the supervision of Pretrial Services, until the set surrender date.
- ☐ The US Marshals Voluntary Surrender form was executed.
- ☐ The defendant was directed to report to the US Probation Department. The defendant will remain on bond, under the supervision of the US Probation Department, with the conditions set forth on the record until the completion of his/her term of probation.
- ☐ Defendant _____ remain(s) in custody.
- ☐ A Medical Evaluation Order was executed as to defendant _____.
- ☒ Defendant _____ 1 _____ remain(s) on bond.
- ☐ Defendant _____ to be released forthwith, or as soon as possible, pending the appropriate release procedures.

OTHER RULINGS MADE DURING THE PROCEEDINGS:

☐ The parties moved to seal the record of the proceedings and the application was granted. Transcripts of this proceeding can be made available to the Court, defendant/defense counsel, and the Government only.

☒ Other:

- The Government moved to modify the defendant's conditions of supervision pursuant to Pretrial's Violation Memorandum filed on 4/23/2021 (DE 10). The motion was granted, in part, and denied, in part. The defendant was ordered to surrender his lap top device to Pretrial Services within 24 hours and shall be permitted to replace that device with a Samsung brand smartphone.

THE FOLLOWING CONFERENCES/HEARINGS WERE SET:

☐ No further conferences or hearings have been set at this time.

☐ See below for conference/hearing dates set.

☐ Bond Application Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Bond Modification Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Curcio Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Detention Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Evidentiary Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Fatico Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Jury Selection set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ On consent of all parties, the jury selection will be held before Magistrate Judge _____.

☐ Jury Trial set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Motion Hearing/Oral Argument set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Plea Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Preliminary Hearing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Re-Sentencing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☐ Sentencing set for: ___/___/___ at ___:___ before ___, courtroom ____.

☒ Status Conference set for: 7 / 7 / 2021 at 10:00 AM before Judge Joanna Seybert, courtroom see below.

☒ Other/Special Instructions regarding conferences/hearings set:

- The conference will be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: 877-336-1839, access code 7231185.